

Application Serial No. 10/010,304
Amendment dated November 26, 2008
RCE Reply to Final Office Action dated July 28, 2008

REMARKS

Claims 6-10, 14, 28 and 33-52 are pending and stand rejected as final. Claims 6-8, 10, 44, 46 and 52 have been amended. Claims 9, 14, and 49-51 have been canceled without prejudice or disclaimer to the subject matter claimed therein. New claims 53-57 have been added.

Reconsideration of the rejection is respectfully requested in view of the following remarks.

Applicant respectfully submits that the instant amendments can be made at this stage of prosecution because the instant response is a Request for Continued Examination (RCE). Accordingly, Applicant respectfully requests that the finality of the rejection be withdrawn and that prosecution resume.

Applicant respectfully submits that the claim amendments are fully supported by the specification. In particular, the amendments to claims 6 and 46 find support, for example, at page 11, lines 44-45. The amendments to claims 7 and 8, as well as new claims 53-57, are supported, for example, by the passage at page 11, lines 44-45, as well as by the Table on page 12. The amendment to claim 52 is supported, for example, by page 2, lines 54 and 55, page 4, lines 31-34 and by page 13, lines 28 and 29.

Claim Rejections - 35 USC §112

Claims 6-10, 14, 28 and 33-52 are rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the enablement requirement. Applicant respectfully submits that the cancellation of independent claims 9 and 14, and the instant amendments to the independent claims 6-8 renders this rejection moot with regard to these claims and their dependents.

Specifically, the instant amendments reciting specific polymers and/or specific dissolving/swelling agents overcome this rejection because the specification provides a high degree of predictability that these specific substances will form gels as claimed. Moreover, Applicant respectfully submits that independent claim 28 already recites sufficiently definite substances as to meet the enablement requirement. Similarly, new independent claim 55 is sufficiently specific as to provide a high degree of predictability without requiring undue experimentation.

Claim 52 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The Action states that it is not clear what constitutes the "use" of water or ethanol in this claim. In response, Applicant respectfully submits that the instant amendment renders moot this rejection.

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In view of the above remarks, Applicant respectfully submits that the present application is in condition for allowance. Accordingly, Applicant respectfully requests issuance of a Notice of Allowance directed to claims 6-8, 10, 28, 33-48 and 52-57.

Should the Examiner deem that any further action on the part of Applicant would be desirable, the Examiner is invited to telephone Applicant's undersigned representative.

Respectfully submitted,



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